



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Mr. Ted Ingerson
P.O. Box 175
Whitefield, NH 03598

LETTER OF DEFICIENCY
WD WQE 03-08
September 3, 2003

Re: Hillside Gravel Pit, Route 142, Dalton, NH
RSA 485-A:17 Site Specific Permit #WPS-6065
Lots 36 and 37, Town of Dalton Tax Map 412

Dear Mr. Ingerson

On December 4, 2002 and August 13, 2003, personnel from the Department of Environmental Services ("DES") conducted inspections on the subject property. The purpose of these inspections was to determine compliance with RSA 485-A:17, RSA 482-A and applicable rules promulgated pursuant thereto. During the inspections, the following deficiencies were documented:

- 1 The berm on the west side of the site between the pit and the man-made ponds had not been constructed in accordance with the plans approved under Site Specific Permit #WPS-6065 ("Permit") and Condition #7 of the Permit, and
2. Excavation was not in accordance with the construction/operation sequence of the approved plans. Specifically, the length of exposed slope(s) exceeded the limit of 500 linear feet.

DES believes that the cited deficiencies can be corrected by:

- 1 Constructing the berm in accordance with the plans **by September 15, 2003**. Specifically, the berm is to be 25 feet wide, covered with 4 inches of loam, and then seeded and mulched, and
2. Reclaiming the slope(s) **by November 1, 2003**, so that the exposed area is less than 500 linear feet or

Submitting a written request and revised plans to DES **by November 1, 2003** for review and consideration of an amendment to the construction/operation sequence for more than 500 linear feet of slope(s) to remain opened.

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DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and 485-A:17 may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Department of Environmental Services
Site Specific Program
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095
Attn: Denise Frappier

Should you have any questions regarding this letter, please contact Denise Frappier at 466-5910.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ridgely Mauck', is written over the word 'COPY'.

Ridgely Mauck, P.E.
Land Resources Management Program

RJP/DMF/
CERTIFIED MAIL, RRR# 7000 1670 0000 0585 7288

cc: Mark Harbaugh, DES Enforcement Attorney
Russell A. Nylander, P.E.-WD/DES
Denise M. Frappier -WQE/WD/DES
Timothy Drew – CPI/DES
Mike Galuszka – SIS/WMD/DES
Dalton Board of Selectmen
Dalton Conservation Commission

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